

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BARRY WHITE FAMILY TRUST U/A/D:	:	24cv7509 (DLC)
DECEMBER 18, 1980, BY ITS DULY	:	
EMPOWERED TRUSTEES,	:	<u>ORDER</u>
	:	
Plaintiffs,	:	
	:	
-v-	:	
	:	
JOE COOLEY, RODNEY DAVID OLIVER p/k/a	:	
RODNEY-O, d/b/a NOT INTRESTED	:	
PUBLISHING,	:	
	:	
Defendants.	:	
	:	
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DENISE COTE, District Judge:

On April 9, 2025, defendant Rodney Oliver filed a motion (ECF Nos. 66 and 69) describing grievances against the defendants' former counsel, Fox Rothschild LLP ("Fox"). Oliver seeks various forms of relief with respect to Fox, including the return of legal fees.

On April 15, 2025, Oliver filed a motion (ECF No. 73) for judgment on the pleadings based on Rule 12(c), Fed. R. Civ. P. He argues that the plaintiffs lack standing because they have not demonstrated ownership of the allegedly infringed song, "I'm Gonna Love You Just a Little More, Babe," and that the musical elements that the plaintiffs allege were infringed do not appear in the registered deposit copy. Also on April 15,

Oliver filed a motion (ECF No. 75) seeking a stay of discovery and enjoinder of the distribution of "Like That" and other works derived from "Everlasting Base."


The Court cannot provide relief with respect to Fox and the distributors of "Like That," as they are not parties in this litigation. Oliver also has not identified any defects in the Amended Complaint that warrant dismissal based on the pleadings pursuant to Rule 12(c). The parties will have an opportunity to obtain discovery, and Oliver may reassert arguments about the legal or factual sufficiency of the plaintiffs' claims at a later stage in the litigation. Accordingly, it is hereby

ORDERED that Oliver's April 9 motion (ECF Nos. 66 and 69) seeking relief as to Fox is denied.

IT IS FURTHER ORDERED that Oliver's April 15 motion (ECF No. 73) for judgment on the pleadings is denied.

IT IS FURTHER ORDERED that Oliver's April 15 motion (ECF No. 75) seeking a stay of discovery and injunctive relief is denied.

Dated: New York, New York
April 25, 2025



DENISE COTE
United States District Judge